

REMARKS

Claims 1-37 are pending as of the Office Action of August 6, 2008. In this Office Action the Examiner requires Applicant to elect a single Group to which the claims shall be restricted under 35 U.S.C. 121 and 372.

Particularly, the Examiner identifies:

Group I: Claims 1-14 and 26-35;

Group II: Claims 15-18;

Group III: Claims 19-22;

Group IV: Claim 23;

Group V: Claim 24; and

Group VI: Claim 25.

Applicant respectfully notes that the above listing does not reference claims 36 and 37.

Applicant accordingly assumes that claims 36 and 37 should be included in Group I.

In reply to the restriction requirement, Applicants herein provisionally elect Group I, Claims 1-14 and 26-35 **with traverse**.

In support of the above traversal, Applicant respectfully notes that under 35 USC 372 (b)(2) the question of unity of invention is to be re-examined within the scope of the requirements of the PCT and its Regulations (see also 35 USC 351 (a) and (b)).

Under PCT Rules 13.1 and 13.2, the requirement of unity of invention is fulfilled when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" is defined as those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Thus, according to these PCT Rules, Applicant respectfully asserts that the Examiner's

position in support of restriction under point 3 of the Office Action is improper because it is irrelevant for the question of unity whether inventions "include structural details not related to each other."

Applicant respectfully notes that, under 35 USC 112, 4th paragraph, a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers. Accordingly, since claims 15-18 (Group II) and 19-22 (Group III) incorporate all the limitations of either claim 10 or 11 (Group I), the limitations of claims 10 or 11 represent those special technical features that are common to the method claims of Groups I, II and III, and thereby define the technical relationship required by PCT Rule 13.2.

Similarly, as claims 23 (Group IV), 24 (Group V) and 25 (Group VI) incorporate all the limitations of either claim 1 or 2 (Group I), the limitations of claims 1 or 2 represent those special technical features that are common to the device claims of Groups I, IV, V and VI, and thereby define the technical relationship required by PCT Rule 13.2.

For the same reason of course, claims 36 and 37 should be considered to be unitary with the claims of Group I under PCT and its Regulations.

Provided Applicant's above traversal is unsuccessful, Applicants reserve the right to pursue the withdrawn claims in a related application(s) without prejudice.

Prosecution on the merits is respectfully requested. The foregoing is believed to be fully responsive to the outstanding Office Action.

Conclusion

The Examiner is invited to contact Applicant's attorney at the below-listed phone number regarding this Response or otherwise concerning the present application.

Applicant hereby petitions for any extensions of time necessary under 37 C.F.R. §§1.136(a) or 1.136(b).

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
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